

IN THE UNITED STATES DISTRICT COURT
FOR THE WESTERN DISTRICT OF WISCONSIN

JONATHAN WILLIAM NAWROCKI,

Petitioner,

v.

ORDER

08-cv-14-bbc

AMANDA LINDER, Health Service Nurse,
HSU DEPARTMENT, RACINE YOUTHFUL
OFFENDER CORR. FACILITY, WISCONSIN
DEPARTMENT OF CORRECTIONS,

Respondents.

JONATHAN WILLIAM NAWROCKI,

Petitioner,

v.

08-cv-96-bbc

RACINE COUNTY JAIL as a whole,

Respondent.

In these closed cases, petitioner has filed a document titled, "petition for payment methods," which I construe as a motion to waive or reduce his monthly payments of the unpaid balance of his filing fees. The motion must be denied.

Under the Prison Litigation Reform Act, an inmate who files a lawsuit in federal court under the in forma pauperis statute must pay the \$350 filing fee, first by making an initial partial payment and then by sending the remainder of the fee to the court in installments of 20% of the preceding month's income in accordance with 28 U.S.C. § 1915(b)(2). If the prisoner then files additional complaints or appeals, the amount owed increases as well. Newlin v. Helman, 123 F.3d 429, 436 (7th Cir. 1997), rev'd on other grounds by Lee v. Clinton, 209 F.3d 1025 (7th Cir. 2000) and Walker v. O'Brien, 216 F.3d 626 (7th Cir. 2000). Using the formula described above, petitioner is currently required to pay 40% of his monthly income until the remaining balances for each of his cases are paid in full. He has a remaining balance of \$337.33 in each of his cases.

In his motion, petitioner says that he is so poor now that he cannot afford to buy hygiene items for himself. He says prison officials are taking a total of 55% of his income, 40% of which goes toward the monthly payments he owes for these cases and 15% of which is being transferred to his release account. He suggests that "in accordance with DOC 309 IMP 40, the court can set a specific dollar amount per month to be paid, or can ask for a lower percentage to be taken out for the filing fees." Unfortunately, in 28 U.S.C. § 1915, Congress has dictated the manner in which prisoners must pay the fees for filing federal lawsuits and appeals, and I have no discretion to modify this method. Therefore, I must deny petitioner's motion to waive or reduce his monthly payments.

ORDER

IT IS ORDERED that petitioner's motion to waive or reduce his monthly payments of the unpaid balance of his filing fees (dkt. #6) is DENIED.

Entered this 14th day of April, 2008.

BY THE COURT:

/s/

BARBARA B. CRABB
District Judge